

BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

IN RE COMPLIANCE)	PDC CASE NO: #01-202
WITH RCW 42.17)	
)	REPORT OF INVESTIGATION
CLOVER PARK SCHOOL DISTRICT)	
)	
Respondent.)	
_____)	

I.

BACKGROUND

- 1.1 On March 30, 2001, the Public Disclosure Commission received a complaint filed by Mr. Jami Lund of the Evergreen Freedom Foundation. The complaint alleged a violation of RCW 42.17.680 by the Clover Park School District for its failure to allow public inspection of employee payroll deduction authorizations for WEA-PAC contributions.

II.

SCOPE

- 2.1 Staff reviewed the complaint letter received March 30, 2001.
- 2.2 Staff reviewed the response received April 18, 2001 from Carole Burger, Administrator for Human Resources for Clover Park School District.
- 2.3 Staff reviewed Clover Park School District employees' WEA-PAC payroll deduction authorizations submitted to the payroll office during the 2000-01 school year.
- 2.4 Staff reviewed the 2000-01 school year WEA payroll deduction registers (for classified staff) maintained by the Clover Park School District payroll office.
- 2.5 Staff reviewed the 2000-01 APA Blue Cross WEA dues billing statements for Clover Park School District certificated employees.

III.

LAW

3.1 RCW 42.17.680 states in part:

- (3) No employer or other person or entity responsible for the disbursement of funds in payment of wages or salaries may withhold or divert a portion of an employee's wages or salaries for contributions to political committees or for use as political contributions except upon the written request of the employee. . . . The request is valid for no more than twelve months from the date it is made by the employee.**
- (4) Each person or entity who withholds contributions under subsection (3) of this section shall maintain open for public inspection for a period of no less than three years, during normal business hours, documents and books of accounts that shall include a copy of each employee's request, the amounts and dates funds were actually withheld, and the amounts and dates funds were transferred to a political committee. Copies of such information shall be delivered to the commission upon request.**

IV.

FINDINGS

- 4.1 On March 30, 2001, the Public Disclosure Commission received a complaint from Mr. Jami Lund of the Evergreen Freedom Foundation alleging violation of RCW 42.17.680(4) by the Clover Park School District. **(Exhibit 1)** Lund's complaint alleges that a representative of the Evergreen Freedom Foundation (EFF) visited the Clover Park School District's Payroll Office (District) on March 30, 2001 and requested to see the payroll deduction authorizations for WEA-PAC contributions. The EFF representative's request to view the WEA-PAC payroll deduction authorizations was denied by the District.
- 4.2 A response was received on April 18, 2001 from Carole Burger, Administrator for Human Resources for Clover Park School District. **(Exhibit 2)** Burger responded that the District did have signed WEA-PAC payroll deduction authorizations at the time of the EFF representative's visit, but the request to see them was denied because of a miscommunication between the EFF representative and the District employees to whom she made her request. In her response, Burger also noted that the District had changed its practice from keeping the WEA-PAC payroll deduction authorizations in employee payroll files to keeping them in a central file.

- 4.3 The District is currently withholding WEA-PAC contributions through payroll deduction from 33 employees who have authorized such a deduction. None of the 2000-01 WEA-PAC contributions were withheld before the District received a signed authorization. No WEA-PAC contributions are being withheld from employees' wages without authorization.
- 4.4 The District admits that it did not allow public inspection of payroll deduction authorizations for WEA-PAC contributions. The District employees who received the request believed they were prohibited from releasing any payroll records. Burger believes that if a request for public inspection occurred now, the requestor would be allowed to view the deduction authorizations. *"We did learn from this episode that the deduction authorizations will have to be re-filed in a central file as they have previously been filed in each employee's individual payroll file. Beginning [April 16, 2001], we are pulling each employee's authorization form and placing it in a central file for inspection."*

Respectfully submitted this 7th day of August, 2001.

Lori Anderson
Sr. Political Finance Specialist

EXHIBITS LIST

- Exhibit 1** Complaint letter received March 30, 2001.
- Exhibit 2** Response letter received April 18, 2001, from Carole Burger, Administrator for Human Resources for the Clover Park School District.